

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

OP.No. 9360 of 1998(L)

PETITIONER:

**V.K.HARIDASAN, UNDER SECRETARY,
KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM-4.**

**BY ADV. SRI.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR**

RESPONDENTS:

- 1. THE KERALA PUBLIC SERVICE
COMMISSION REP.BY ITS SECRETARY,
PATTOM, THIRUVANANTHAPURAM – 4.**
- 2. THE CHAIRMAN, KERALA PUBLIC SERVICE
COMMISSION, PATTOM, THIRUVANANTHAPURAM -4.**

BY ADV. SRI.ALEXANDER THOMAS,SC,KPSC

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP. NO.9360/1998

ORDER ON CMP. NMO.15932/1998 IN OP. NO.9360/1998

DISMISSED

22.11.2007

SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEMO OF CHARGES WITH STATEMENT OF ALLEGATIONS DT. 11.11.96.

EXT.P2:- COPY OF THE EXPLANATION BY THE PETITIONER DT. 11.12.96.

E.XT.P3:- COPY OF THE NOTICE DT. 5.8.97.

EXT.P4:- COPY OF THE NOTICE DT. 5.8.97.

EXT.P4:- COPY OF THE ORDER NO.SSI(1)151/96 DT. 6.11.97.

EXT.P5:- COPY OF THE APPEAL PETITION DT. 5.1.98.

EXT.P6:- COPY OF THE ORDER NO.SSI(1) 151/96 DT. 2.3.98.

/TRUE COPY/

P.S. TO JUDGE

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KURIAN JOSEPH, J.

O.P.NO.9360 OF 1998

Dated 22nd November, 2007.

J U D G M E N T

Aggrieved by Ext.P4 order of punishment, the petitioner submitted Ext.P5 appeal before the first respondent. The appeal was disposed of as per Ext.P6. There is absolutely no reference to the various contentions taken by the petitioner, in the appellate order. What is stated is only thus : "The Appellate authority have examined the appeal in detail. But they found no fresh grounds in the appeal petition for consideration. The Appellate Authority, therefore, reject his appeal petition." This court is not in a position to make out what was the consideration by the appellate authority. Once an incumbent pursues a statutory remedy, the authority is bound to consider the contentions and pass an order, particularly in matters pertaining to disciplinary action. There is no counter affidavit. I quash Ext.P6 with a direction to the appellate authority to consider Ext.P5 appeal afresh with notice to the petitioner and pass orders in the light of the observations contained in the judgment,

within three months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.NO.9360 OF 1998

J U D G M E N T

Dated 22nd November, 2007.